

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, AUGUST 4, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, August 4, 2011, at 10:05 a.m. in the first floor hearing room. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, Acting County Manager and Ms. Patti Morrow, Recording Secretary.

(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at www.FrederickCountyMD.gov.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

None.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

WORKSESSION**Recognition of Ms. Michelle Shearer as the 2011 National Teacher of the Year**

The Board recognized Ms. Shearer, a chemistry teacher at Urbana High School, as the 2011 National Teacher of the Year.

Presentation of Achievement of Excellence in Procurement Award

The Board presented the Purchasing Department with the Achievement of Excellence in Procurement award.

Business Updates – Laurie Boyer, Community Development Division and Ron Tobin, Office of the County Manager

In an effort to recognize local businesses that contribute to the community, the Board recognized Rita's Italian Ice in Frederick for their support of the Alex's Lemonade Stand Foundation (for pediatric cancer treatment).

Ms. Boyer and Mr. Tobin updated the Board on business issues in Frederick County.

Partnership and Efficiencies Committee Action Timeline – Dave Dunn, Office of the County Manager

Mr. Dunn reviewed the action timeline for the Partnership and Efficiencies Committee.

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Commissioner Gray suggested appointing some members to the committee from the public.

The Board requested a third committee be formed consisting of seven (7) members with three (3) representatives from the public; two (2) county staff and one (1) municipal representative. Staff would advertise for the committee members.

The Board indicated the timeline would move forward as presented.

Financial Report

Ms. Lori Depies, Finance Division, noted the finance staff had met recently with the County Manager's Office regarding the two (2) different views on the state of the county's deficit.

Mr. Mike Gastley, Acting Assistant County Manager, briefed the Board on the budget vs. actual structural deficit.

Mr. Dick Duthoy, Ms. Kelly Weaver, and Mr. Rob Reilly, Finance Division, participated in the discussion.

Public comments were heard from:

- Don Leyman

No action was taken by the Board as this was an informational item.

CONSENT AGENDA

The following items were considered on the consent agenda:

BUDGET TRANSFERS

1. #BT-11-187, Accounting, Finance Division
2. #BT-12-205, Frederick County Public Libraries

CHANGE ORDER

1. FY 2011 Full Depth Reclamation of Various County Roadways, Contract No. C29908/C29909, Change Order No. 1 – Tom Meunier, Public Works Division

Commissioner Smith moved to approve the consent agenda as presented. Commissioner Shreve seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

By unanimous consent the following minutes were approved:

- ◆ Thursday, June 30, 2011

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- ◆ Thursday, June 30, 2011 – Closed Session
- ◆ Thursday, June 30, 2011 – Afternoon
- ◆ Tuesday, July 12, 2011 – Evening
- ◆ Thursday, July 14, 2011
- ◆ Thursday, July 14, 2011 – Closed Session

**Bid Award – Purchasing Memo #12-109 Dining and Nutrition Services Management for
Citizens Care and Rehabilitation Center / Montevue Assisted Living - Hal Good, Finance
Division**

Mr. Collier Baird (CCRC) and Ms. Tammy Conrad, Finance Division, commented on the request.

Commissioner Smith moved to approve purchasing memo #12-109. Commissioner Gray seconded the motion that passed 5-0.

Mr. Good indicated to the Board that because of the direction given sometime ago regarding the public-private partnership, his staff had issued a request for statement of qualifications and letter of interest (RFQ) to companies who potentially would want to identify themselves if the county were to go ahead to hire a consultant. He indicated an RFQ was not the same as a request for proposal (RFP), it was more of an informational item.

COMMISSIONER COMMENTS

Commissioner Shreve remarked that the finance presentation was well received by the Board.

Commissioner Gray requested staff to place the clip of the finance presentation on the county website.

Commissioner Young commented on the proposed county Ethics Ordinance stating he had changed his mind regarding the lobbying provisions and now agreed with Commissioner Smith and Gray in light of a past county commissioner who had commented during planning commission meetings and Board meetings while being paid by an organization and without having registered as a lobbyist.

Commissioner Smith moved to add to the proposed Ethics Ordinance the lobbying provisions similar to those currently in the county's ordinance.

Mr. John Mathias, County Attorney, commented that procedurally a motion to reconsider needed to be made by someone from the prevailing side of the original failed motion.

Commissioner Young moved to reconsider the motion that failed dealing with the lobbying aspects of the current provisions of the Frederick County Ethics Ordinance as was originally stated on July 28:

Commissioner Smith moved to proceed with "Model B" to public hearing with changes to the conflict of interest language in §1-7.1-5(E)(1); changes to the financial disclosure provision in §1-7.1-6(E)(8); and include the lobbying provision from "Model A." Commissioner Gray

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seconded the motion that failed 2-3 with Commissioners Young, Shreve and Delauter opposed.

Commissioner Shreve seconded the motion that passed 5-0.

Commissioner Smith moved to include in the draft Ethics Ordinance the current lobbying provisions reflected in the Frederick County ordinance (Model A) or any additional language the state would accept. Commissioner Gray seconded the motion that passed 5-0.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

Bethany Rogers, The Frederick News-Post

ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia A. Morrow
Recording Secretary